



PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference PF040057	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/EP2004/050536	International filing date (day/month/year) 16.04.2004	Priority date (day/month/year) 17.04.2003
International Patent Classification (IPC) or national classification and IPC		
Applicant THOMSON LICENSING		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.																									
2. This REPORT consists of a total of 6 sheets, including this cover sheet.																									
3. This report is also accompanied by ANNEXES, comprising: a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows: <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).																									
4. This report contains indications relating to the following items: <table border="0"><tr><td><input checked="" type="checkbox"/></td><td>Box No. I</td><td>Basis of the report</td></tr><tr><td><input checked="" type="checkbox"/></td><td>Box No. II</td><td>Priority</td></tr><tr><td><input type="checkbox"/></td><td>Box No. III</td><td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td></tr><tr><td><input type="checkbox"/></td><td>Box No. IV</td><td>Lack of unity of invention</td></tr><tr><td><input checked="" type="checkbox"/></td><td>Box No. V</td><td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td></tr><tr><td><input type="checkbox"/></td><td>Box No. VI</td><td>Certain documents cited</td></tr><tr><td><input type="checkbox"/></td><td>Box No. VII</td><td>Certain defects in the international application</td></tr><tr><td><input type="checkbox"/></td><td>Box No. VIII</td><td>Certain observations on the international application</td></tr></table>		<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input checked="" type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
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Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
 - ☐ international search (Rule 12.3 and 23.1(b))
 - ☐ publication of the international application (Rule 12.4)
 - ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):
 - ☐ the international application as originally filed/furnished
 - ☒ the description:
 - pages 1-21 _____ as originally filed/furnished
 - pages* _____ received by this Authority on _____
 - pages* _____ received by this Authority on _____
 - ☒ the claims:
 - nos. 1-11 _____ as originally filed/furnished
 - nos.* _____ as amended (together with any statement) under Article 19
 - nos.* _____ received by this Authority on _____
 - nos.* _____ received by this Authority on _____
 - ☒ the drawings:
 - sheets 1/8-8/8 _____ as originally filed/furnished
 - sheets* _____ received by this Authority on _____
 - sheets* _____ received by this Authority on _____
 - ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
 - ☐ the description, pages _____
 - ☐ the claims, nos. _____
 - ☐ the drawings, sheets/figs _____
 - ☐ the sequence listing (*specify*): _____
 - ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
 - ☐ the description, pages _____
 - ☐ the claims, nos. _____
 - ☐ the drawings, sheets/figs _____
 - ☐ the sequence listing (*specify*): _____
 - ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. II Priority

1. ☐ This report has been established as if no priority had been claimed due to the failure to furnish within the prescribed time limit the requested:
- ☐ copy of the earlier application whose priority has been claimed (Rule 66.7(a)).
- ☐ translation of the earlier application whose priority has been claimed (Rule 66.7(b)).
2. ☐ This report has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rule 64.1). Thus for the purposes of this report, the international filing date indicated above is considered to be the relevant date.
3. Additional observations, if necessary:

The subject matter in the last paragraph on page 5 of the description and that in claim 2 of the present application is not described in the priority document (FR 0 304 801). As a result, the subject matter of claim 2 and that of claims 3-9 and 11, when they refer to claim 2, does not benefit from the priority date as the effective date.

The subject matter of independent claims 1 and 10 and that of dependent claims 3-9 and 11, when they do not refer to claim 2, benefits from the priority date as the effective date.

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	<u>1-11</u>	YES
	Claims	<u></u>	NO
Inventive step (IS)	Claims	<u></u>	YES
	Claims	<u>1-11</u>	NO
Industrial applicability (IA)	Claims	<u>1-11</u>	YES
	Claims	<u></u>	NO

2. Citations and explanations (Rule 70.7)

Reference is made to the following documents:

D1: WO 01/56297 A (ATHEROS COMMUNICATIONS INC)
2 August 2001 (2001-08-02);

D2: US-A-4 787 028 (FINFROCK DON C ET AL)
22 November 1988 (1988-11-22);

D3: WO 02/41586 A (PHILIPS) 23 May 2002
(2002-05-23).

V.1 The present application does not fulfil the requirements set forth in PCT Article 33(1) because the subject matter of claim 1 does not involve an inventive step as defined in PCT Article 33(3).

Document D1, which is considered to be the closest prior art, describes (cf. page 2, line 16 to line 25; page 7, line 12 to page 9, line 17) a converter from which the one disclosed in claim 1 differs in that it includes means for extracting transmission data received from addressee

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

receivers and in that the conversion means are capable of determining the transmission criteria on the basis of said transmission data.

The problem that the present invention is intended to solve can therefore be considered to be that of flexibly and automatically adapting the nature of the output signals from said converter on the basis of the types of receiver apparatuses.

The solution proposed in claim 1 of the present application is not considered to be inventive, for the following reasons:

These features have already been used for the same purpose in a similar system (see D2, column 1, lines 31-59 and column 2, lines 18-40). The transmitter in document D2 ("host processor") adapts its transmission criteria ("different communication protocols") on the basis of the data received from the addressee receivers (cf. D2, column 1, lines 50-59). It would be obvious for a person skilled in the art to use these features with a corresponding effect in a converter as per document D1 and thereby arrive at a converter as per claim 1.

It follows that the subject matter of claim 1 does not involve an inventive step.

V.2 The same argument applies *mutatis mutandis* to the subject matter of the corresponding independent

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Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
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claim 10, which is consequently not inventive
either.

V.3 Dependent claims 2-9 and 11 do not contain any
features which, in combination with the features
of any one of the claims to which they refer,
might define subject matter that fulfils the PCT
requirement of inventive step (see documents D1,
D2 and D3 and the corresponding passages cited in
the search report).